

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

KARA MCCLAUGHLIN,	*	
	*	
Petitioner,	*	No. 08-747V
	*	Special Master Christian J. Moran
v.	*	
	*	
SECRETARY OF HEALTH	*	Filed: August 18, 2009
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	Damages decision based on proffer
	*	trivalent influenza vaccine;
	*	protracted hospitalization; residual
	*	effects.

Dain A. Dreyer, Esq., Law Offices of Dain Dreyer, San Antonio, Texas, for Petitioner;
Voris E. Johnson, Esq., United States Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING DAMAGES*

Kara McLaughlin claimed that the influenza vaccination caused her to suffer a loss of consciousness while she was driving which led to a number of residual injuries. Ms. McLaughlin filed a petition on October 21, 2008, seeking compensation for these injuries pursuant to the National Childhood Vaccine Injury Act, 42 U.S.C. §§ 300aa-1 *et seq.* (2000). The undersigned issued a ruling on entitlement in favor of Ms. McLaughlin on August 10, 2009.

On July 28, 2008, respondent filed a Proffer on Award of Compensation. On August 13, 2009, petitioner filed a notice accepting respondent's Proffer on Award of Compensation. Based

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master sMcLaughlin delete such material from public access.

upon the record as a whole, the special master finds that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer, with Appendix, the court awards petitioner:

A lump sum payment of \$265,415.01, in a check made payable to petitioner, representing the following:

- A. A lump sum payment of \$37,500.00, representing future medical expenses resulting from her vaccine as evidenced by Tab A of Respondent's Proffer on Award of Compensation attached as Appendix A;
- B. A lump sum payment of \$4,744.63 for lost earnings, under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(B), due to the time that Ms. McLaughlin was unable to work because of her injuries as evidenced by Tab B of respondent's Proffer on Award of Compensation attached as Appendix A;
- C. A lump sum payment of \$185,000.00, representing actual and projected pain and suffering. This amount reflects that the award for pain and suffering has been reduced to net present value. See 42 U.S.C. § 300aa-15(a)(4);
- D. A lump sum payment of \$38,170.38, representing petitioner's expenditure of past unreimbursable expenses relating to her vaccine-related injury.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

Christian J. Moran
Special Master